

REMARKS

Claims 2-88 are pending in the application, with claims 2-7 and 53-58 being independent. Claim 1 has been canceled, claims 53-88 have been withdrawn from consideration, and claims 4, 7 and 41-46 have been amended. Applicant acknowledges with appreciation the Examiner's indication that claims 35-40 are directed to allowable subject matter.

As requested by the Examiner, Figure 2 has been amended to add the legend, "Prior Art." This amendment is believed to fully address the Examiner's objection.

Claims 4, 7, 23-25 and 44-46 have been amended in response to the Examiner's objection. Claims 41-46 also have been amended to recite that the insulating surface or the interlayer insulating film includes at least one of polyimide resin and acrylic resin. Support for this amendment is found in the specification at, for example, page 6, lines 3-4.

The Examiner has objected to claims 20-22 and 41-43, which depend from claims 2-4, due to their use of the term "the insulating surface." However, applicant notes that each of claims 2-4 recites "a first electrode formed on an insulating surface" and makes no reference to other insulating surfaces. As such, there is ample antecedent basis for "the insulating surface" and the objection should be withdrawn.

Claims 2-13, 20-25 and 41-52 have been rejected as being anticipated by Urabe. With respect to claim 2 and its dependent claims, applicant requests reconsideration and withdrawal of this rejection because Urabe does not describe or suggest connecting the first electrode and the organic compound layer to each other through a tunnel junction, as recited in claim 2. While the Examiner appears to contend that Urabe describes this feature at col. 7, line 63, that passage merely describes the material and the thickness thereof used to form the insulating layer 15. Nor has applicant been able to find a description of this feature elsewhere in Urabe. As such, applicant requests withdrawal of the rejection of claim 2 and its dependent claims.

Similarly to claim 2, each of independent claims 3 and 6 recites that "the second insulating layer has a thickness that allows the first electrode and the organic compound layer to form a tunnel junction." As discussed above with respect to claim 2, Urabe does not describe or

suggest forming such a tunnel junction. As such, applicant requests withdrawal of the rejection of claims 3 and 6 and their dependent claims.

Each of independent claims 4 and 7 recites that “the second insulating layer has a thickness that allows a tunnel current or a Fowler-Nordheim current to flow therethrough.” Urabe does not even mention tunnel currents or Fowler-Nordheim currents, and, accordingly, does not describe or suggest allowing such currents to flow. As such, applicant requests withdrawal of the rejection of claims 4 and 7 and their dependent claims.

Like claim 2, independent claim 5 recites that “the first electrode and the organic compound layer are connected to each other through a tunnel junction.” As such, applicant requests withdrawal of the rejection of claim 5 and its dependent claims for the reasons discussed above with respect to claim 2.

Claims 14-19 and 26-34 have been rejected as being unpatentable over Urabe in view of Inukai (claims 14-19) or Segawa (claims 26-34). Applicant requests reconsideration and withdrawal of these rejections because neither Inukai nor Segawa remedies the failure of Urabe to describe or suggest the subject matter of the independent claims.

Applicant submits that all claims are in condition for allowance.

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Enclosed is a \$420 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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Fig.2
(PRIOR ART)

